

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Case No. 2:18-cr-00116-JAD-CWH

Plaintiff

Eric Yokani Moreno-Ochoa

Defendant

Order Adopting Report and Recommendation and Denying Motion to Dismiss

[ECF Nos. 32, 34]

Defendant Eric Yokani Moreno-Ochoa moves to dismiss the indictment charging him being a deported alien found unlawfully in the United States.¹ He argues that his prior proceedings were defective because the immigration judge lacked jurisdiction to enter order of deportation. Magistrate Judge C.W. Hoffman, Jr. has considered that motion and recommends that I deny it.² The deadline for objecting to that recommendation was April 10, and no party filed an objection or moved to extend the deadline to do so. “[N]o review is had of a magistrate judge’s report and recommendation unless objections are filed.”³ Having reviewed the R&R, I find good cause to adopt it, and I do.

Accordingly, IT IS HEREBY ORDERED that the Magistrate Judge's Report and

¹ ECF No. 52.

2 ECF No. 34.

²³ ³ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

1 Recommendation [ECF No. 34] is **ADOPTED** in its entirety; Defendant's Motion to Dismiss
2 Indictment Based on Prior Unlawful Deportations [ECF No. 32] is **DENIED**.

3 Dated: April 12, 2019

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5 U.S. District Judge Jennifer A. Dorsey

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